

Lisa Fox

From: Paul Farrell <paul@farrell.law>
Sent: Sunday, June 7, 2020 10:41 AM
To: Opioid Defs' Group Listserv (xALLDEFENDANTS-MDL2804-Service@arnoldporter.com)
Cc: MDL 2804; zz-Track 2 Opioid Defendants (S); ct2 opioid_team@mail-list.com
Subject: CT2: Last meet and confer on ECF 343 (Rite Aid)
Attachments: 00506-0 060320 Defs' Notice of Videotaped 30(b)(6) Deposition of the Cabell County C'mm.pdf

[EXTERNAL EMAIL]

External E-mail

Dear Rite Aid stores in Cabell County (WV) owned by some yet unknown tiered corporate structure which is probably underfunded,

I am afraid we must resolve your objections (ECF #343) to the subpoena duces tecum served in CT2 by Plaintiffs (ECF #294) given your supplier, McKesson Corp. ("MCK"), recently served the following demand for 30(b)(6) testimony (ECF #506) (attached):

3. (13) Identification of all prescriptions of opioids that Plaintiff contends have caused it harm and for which it is seeking remedies in this lawsuit. (14) This topic concerns the circumstances around the decision to prescribe Prescription Opioids: (15) the date of the prescription, the medication prescribed, the doctor who wrote the prescription, the patient for whom the prescription was written, the condition for which the prescription was written, (16) whether the prescription was medically necessary and/or appropriate, who was responsible for determining whether the prescription was medically necessary and/or appropriate, any other treatments that were given and/or available for the condition, either in conjunction with or as alternatives to the prescription opioid, (17) whether the patient took the Prescription Opioids as intended and instructed by the prescription, (18) the harm (if any) suffered by the patient as a result of the prescription, (19) and all costs that Plaintiff contends it suffered as a result of the prescription.

I apologize for the short notice, but we must reach a conclusion to your ten (10) pages of objections in the coming week. The 30b6 deposition is set to begin on Monday, June 15, 2020. There are 183 subject matters so the deposition will probably last a month. We can bump this topic toward the end of the testimony to allow time to seek judicial intervention if needed.

The data requested in the subpoena (ECF #294) is not burdensome. In fact, one of the pharmacies served in CT2 broke ranks and actually responded. **Discount Emporium** disclosed spreadsheets for each year from 2012 through 2018 which complies with the scope of the subpoenas (e.g., DE0034480). For example, the following is one line item out of the 700,000 +/- transactions disclosed:

Date Written	Date	Rx Number	Quan.	Day Supply	Last Insurance P	Drug	Thera. Class	Doctor DEA	Sched
1/1/2012	1/1/2012	2680978	168	28	Cash	OXYCODONE 30MG	Analgesics - Opioid	AW4345167	2

Please respond soon.

Paul T. Farrell, Jr., Esq.

FARRELL LAW

P.O. Box 1180

Huntington, WV 25714-1180

422 Ninth Street, 3rd Floor

Huntington, West Virginia 25701

phone: 304.654.8281

email: paul@farrell.law

“Facts are stubborn things.”

-John Adams

President of the United States.

Trial lawyer

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